

Canyon-Owyhee School Service Agency (COSSA)
Board of Trustees
2012-2013 RESOLUTION NO. 1

WHEREAS the Canyon-Owyhee School Service Agency (COSSA) is a consortium of five school districts (Homedale, Marsing, Notus, Parma, and Wilder) that have combined resources to offer special education, alternative education, and professional-technical education (PTE) to their students. COSSA currently has approximately 630 students in special education, 100 students in the alternative school [COSSA Academy], and 175 students in the Professional-Technical School (PTS); and

WHEREAS COSSA Academy is in the process of creating a Student Court restorative justice process for student offenders. Student Court would provide a disciplinary system that lies between minor corrective actions taken by the teacher, and expulsion. It would allow for creative solutions, punishment that fits the offense, restitution to those harmed by the offense, and competency development of repeat offenders. At the same time, the students who serve on the court learn about the American judicial system, since the Student Court is modeled after that system; and

WHEREAS participation in Student Court builds competency in both the offenders and the court participants, as both learn the consequences of anti-social behavior. Appropriate punishments handed out by the Students of the "jury" will ensure that victims of the offending Students are offered compensation and/or justice and that the offenders are held accountable for their actions; and

WHEREAS COSSA administration is applying to the Idaho Department of Juvenile Justice (IDJC) for grant funding in the amount of \$4840 to implement a restorative justice Student Court.

NOW THEREFOR, the Board of Trustees of the Canyon-Owyhee School Service Agency (COSSA) applauds this effort to create a Student Court and supports the COSSA administration's efforts to seek grant funding to allow the creation of the before mentioned Student Court.

APPROVED this 17th day of September, 2012, by the COSSA Board of Trustees.

Kevin Miyasako, Board Chairman

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WHEREAS, the Idaho Public Records Act provides that specific types of personnel records of state employees, specifically performance evaluations, are exempt from disclosure pursuant to Section 9-340C(1), Idaho Code; and

WHEREAS, COSSA School Board Policy No 203, Custody of Agency Records, Files, and Tapes, states that “employee personnel records, except confidential placement files and letters of recommendation, shall be considered confidential and shall be accessible only during regular office hours, and limited to the following: the employee concerned, the program administrator, the Executive Director, and members of the Board of Trustees; and

WHEREAS, the Idaho Education Code further provides that the personnel files of each school employee shall include the employee’s performance evaluation and that such personnel files are “declared to be confidential and excepted from public access under any provision of the Idaho Code, including, but not limited to sections 9-301 and 59-1009 both such sections having been repealed by the Idaho legislature and inapplicable to the issue at hand; and

WHEREAS, Section 08.02.02.120.5 of the Idaho Administrative Procedures Act requires that permanent records of each certificated employee’s evaluation will be maintained in the employee’s personnel file and that all evaluation records will be kept confidential within the parameters identified in federal and state regulations regarding the right to privacy; and

WHEREAS, the Idaho State Department of Education has made a request to the school, associated with its ISEE reporting system and its ARRA reporting requirement to release generalized statistical performance data, seeking to have the District provide information as to the general performance level rating for each of the school’s teachers and principals, on an individual basis; and

WHEREAS, the language of Section 33-1004D, Idaho Code relating to IBEDS reporting obligations for school districts and district employees, required to be completed prior to October 15th of each school year is inapplicable to the ISEE reporting requirements and has not been amended by the Idaho Legislature to address this ISEE reporting request; and

NOW THEREFOR, the Board of Trustees of the Canyon-Owyhee School Service Agency (COSSA) directs the Administration of COSSA Academy, by and through the Office of the Superintendent or such Superintendent’s designee, consistent with American Reinvestment and Recovery Act (“ARRA”) fund receipt

requirements and consistent with the Idaho Attorney General guidance to the Idaho State Department of Education on May 19, 2010 entitled "Release of Statistical Information Regarding Teacher and Principal Evaluations", to release to the Idaho State Department of Education statistical information relating to teacher and principal performance evaluations, disclosing only the number and percentage of teachers and principals at the district who rated in each of the identified performance levels for applicable High School, Middle School and Elementary School teachers and for all principals as an entire individual grouping; and

FURTHER, the Board directs the Administration by and through the Office of the Superintendent or such Superintendent's designee, to not disclose the individual performance level rating for each teacher and/or principal of the District to the Idaho State Department of Education as has been requested by the Idaho State Department of Education for its ISEE reporting, absent any further direction or resolution by this Board.